

ORDINANCE NUMBER 05-_____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, AMENDING ARTICLE XIV, "AQUIFER/WELLHEAD PROTECTION" OF CHAPTER 10 OF THE CODE OF LAWS OF LEON COUNTY, FLORIDA; AMENDING DIVISION 1 "GENERALLY"; AMENDING DEFINITIONS; AMENDING INTENT AND PURPOSE; AMENDING PUBLIC EDUCATION AND REPORTING REQUIREMENTS; AMENDING TERRITORIAL APPLICABILITY; AMENDING DESIGNATION OF REGULATED SUBSTANCES; AMENDING REGULATED ENTITY EXEMPTIONS; AMENDING PROHIBITION OF DISCHARGES CAUSING CONTAMINATED GROUNDWATER; AMENDING STORMWATER; REPEALING REGULATED BUSINESS REVIEW FOR COMPREHENSIVE PLAN AND AQUIFER PROTECTION CONSISTENCY; AMENDING PROGRAM FUNDING; REPEALING REMEDIATION ACTIVITIES; AMENDING DIVISION 2 "VIOLATIONS AND ENFORCEMENT"; AMENDING DELEGATION OF AUTHORITY, INTERLOCAL AGREEMENT; AMENDING PERSONS HELD LIABLE FOR VIOLATIONS; AMENDING PROCEDURES FOR NOTIFICATION OF VIOLATION, PROCEDURES FOR REMEDIAL ACTION; AMENDING EMERGENCY CORRECTIVE ACTIONS, IMMINENT THREAT OF DANGER, REMEDIATION ACTIVITIES, INVESTIGATION, MONITORING AND CLEANUP OF SUSPECTED OR KNOWN DISCHARGES; REPEALING NOTICE OF VIOLATION; AMENDING PENALTY; AMENDING ENVIRONMENTAL AND BUILDING PERMITS; AMENDING INJUNCTIONS; AMENDING DIVISION 3 "PREVENTATIVE MEASURES"; AMENDING INSPECTIONS OF REGULATED ENTITIES; AMENDING REPORTING OF DISCHARGES; AMENDING REPORTING OF SINKHOLES; AMENDING BEST MANAGEMENT PRACTICES TO PREVENT DISCHARGES OF REGULATED SUBSTANCES; ADDING NEW WELLS PROHIBITED WITHIN 400 FT. OF AVAILABLE WATER SYSTEM; REPEALING INVESTIGATION, MONITORING AND CLEANUP OF SUSPECTED OR KNOWN DISCHARGES; AMENDING INJECTION WELLS, HEAT EXCHANGE WELLS AND DRAINAGE WELLS; AMENDING WELL MAINTENANCE, WELL ABANDONMENT AND GEOTECHNICAL BORINGS; AMENDING SEPTIC TANKS AND DRAINFIELDS; AMENDING INVENTORY OR PROOF OF PROPER DISPOSAL, RECYCLING OF REGULATED SUBSTANCES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

1 NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY
2 COMMISSIONERS OF LEON COUNTY, FLORIDA, that:

3
4 **Section 1.** Chapter 10, Article XIV, Division 1, of the Code of Laws of Leon County,
5 Florida, is hereby amended to read as follows:

6
7 **DIVISION 1. GENERALLY**

8
9 **Sec. 10-1901. Definitions.**

10
11 As stated in section 10-1, the definitions in section 10-1 apply to this article. The following
12 words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this
13 section, except where the context clearly indicates a different meaning:

14
15 Aquifer Protection Coordinator shall mean a City of Tallahassee employee with co-delegated
16 authority to enforce this article.

17
18 Discharge shall mean a nonpermitted discharge as defined by s. 376.301 (12), F.S., the state
19 department of environmental regulation and includes but is not limited to, the spilling,
20 leaking, seeping, pouring, misapplying, emitting, emptying, or dumping of any regulated
21 substances which may affect the groundwater.

22
23 Drainage well shall mean any well installed for the purpose of draining water from above the
24 earth's surface to subsurface layers.

25
26 Dry well shall mean a well lined or filled with gravel or sand that holds water until
27 percolation into the ground.

28
29 Contaminated Groundwater shall mean groundwater that does not meet the standards
30 defined in Chapter 62-520, F.A.C.

31
32 Injection well shall mean a well into which fluids that are being or will be injected by gravity
33 flow or under pressure.

34
35 Regulated Entity shall mean any business, facility, activity, agency, or farming operation site
36 expanding more than three (3) acres, that, at any time, manufactures, stores, or uses regulated
37 substances listed in section 10-1906, or any property that undergoes new construction,
38 demolition, additions, alterations or repairs that requires a City of Tallahassee or Leon
39 County building or environmental permit.

40
41 Well shall mean any excavation which has a depth greater than the diameter of the largest
42 surface dimension that is drilled, cored, bored, washed, driven, dug, jetted, or otherwise
43 constructed for conveying groundwater to the surface, monitoring the groundwater level or

1 quality, or providing a method of conveying water from above the earth's surface to
2 subsurface layers.

3
4 Violator shall mean any person, firm, corporation, business entity, facility or organization
5 owning, possessing, leasing, renting or having control of the subject property where
6 prohibited activities occur and contribute to groundwater contamination.

7
8 **Sec. 10-1902. Intent and purpose.**

9
10 (a) The intent and purpose of this article is to protect and maintain the quality and
11 quantity of groundwater in the county by providing criteria for regulating the use, handling,
12 production, storage, and disposal of regulated hazardous-substances.

13
14 (b) This article shall establish performance standards for the use, handling, production,
15 storage, or disposal of regulated hazardous-substances that are applicable to facilities so as to
16 preclude the introduction of these substances into groundwater.

17
18 (c) This article, through its provisions, shall-is intended to protect the quality of water
19 obtained from public supply wells, potable water supply wells, and other public water systems.

20
21 (d) This article shall authorize the establishment of a funding mechanism for the
22 operation and implementation of an aquifer protection program ~~remediation~~.

23
24 **Sec. 10-1903. Compliance with comprehensive plan.**

25
26 The contents of this article shall meet or exceed the goals, objectives and policies established
27 in the adopted comprehensive plan.

28
29 **Sec. 10-1904. Public education and reporting requirements.**

30
31 (a) A public program shall be conducted in order to correct current practices regarding
32 the use, storage, and disposal of regulated substances, and to ensure-provide for the protection of
33 water resources in the county.

34
35 (b) An annual report shall be presented to the Board of County Commissioners and to the
36 Tallahassee eCity eCommission detailing the extent of the public education activities, and the status
37 of activities of the aquifer protection program.

38
39 **Sec. 10-1905. Territorial applicability.**

40
41 The aquifer/wellhead protection area shall include all land and surface water and ground
42 water within the county.

1 **Sec. 10-1906. Regulated substances - Designated.**

2
3 (a) Regulated substances, including degradation and interaction products, shall include
4 mean the following:

- 5
6 (1) Substances, including degradation and interaction products, which because of quality,
7 concentration, or physical/chemical characteristics (including ignitability, corrosivity,
8 reactivity and toxicity), radioactivity, mutagenicity, bioaccumulative effect, or
9 persistence in nature) may cause a violation of Florida Department of Environmental
10 Protection (FDEP) ground water standards pursuant to Chapter 62-520, F.A.C.; and
11
12 (2) Those substances set forth in the lists, as amended from time to time, entitled, "Lists
13 of Hazardous Waste" (40 CFR 261, subpart D), "Hazardous Constituents-Appendix
14 VIII," (40 CFR 261), and "EPA Designation Reportable Quantities and Notification
15 Requirements for Hazardous Substances Under CERCLA" (40 CFR 302.4); and
16
17 (3) Substances which have known hazardous properties as listed in 40 CFR 302 by the
18 EPA; and
19
20 (4) Substances that are restricted-use pesticides according to F.S. ch. 487, or which are
21 listed in F.A.C. chs. 5E-2 and or 5E-9; and
22
23 (5) Water which contains total dissolved solids (TDS) in excess of 10,000 parts per
24 million (ppm) or chlorides in excess of 500 ppm.

25
26 **Sec. 10-1907. ~~Same~~ Regulated Entity-Registration Exemptions.**

27
28 (a) ~~Any business or agency that, at any time, manufactures, stores, or uses regulated~~
29 ~~substances listed in section 10-1906 in quantities greater than five gallons if liquid or greater than~~
30 ~~fifty (50) pounds if solid shall be required to register on appropriate forms within 120 days of~~
31 ~~February 7, 1992.~~

32
33 (b) ~~Any business or agency being inspected as of February 7, 1992, under F.A.C. ch. 17-~~
34 ~~671 or 17-672, or the county small quantity generator program shall be registered by a transfer of~~
35 ~~existing records and will not be required to complete the aquifer protection registration form unless~~
36 ~~the information obtained in the records transfer is incomplete. In such cases the registration form~~
37 ~~will be sent for completion.~~

38
39 (e)(a) ~~The aquifer~~ Aquifer protection ~~Protection coordinator~~ Coordinator shall maintain a
40 list of Regulated businesses Entities with their associated four-digit Standard Classification Codes
41 (SIC) and/or six-digit North American Industry Classification System (NAICS) code, as appropriate.
42 This list will be made available upon request ~~and will be on file with the business/occupational~~
43 ~~license departments of the city and county.~~

(d)(b) Exemptions. This section ~~article~~ does not apply to:

(1) ~~Fire, police, emergency medical services and county emergency management center facilities.~~

(2)(1) The transportation of any regulated substance, provided that the transporting motor vehicle is in continuous transit. However, if the transporting vehicle containing regulated substances is not regulated by the U.S. Department of Transportation or the state department of transportation or the state department of highway safety then it shall be deemed stationary (not in continuous transit) and must be registered.

(3)(2) The use of any regulated substance in a vehicle or lawn maintenance equipment as a fuel or lubricant.

(4)(3) Retail or wholesale establishments that store or handle regulated substances for resale in their original unopened containers, provided that no individual container of regulated substances exceeds five gallons if liquid or 50 pounds if solid.

(5) ~~Office uses, including the use of regulated substances for the maintenance and cleaning of office buildings.~~

(6)(4) The use of regulated substances for cleaning, maintaining, pest control, or any other use by households; that is are not a regulated Regulated business Entities. ~~Farming operations which are greater than three acres and animal feedlots are not exempted under this subsection (6).~~

(7) ~~The activities of constructing, repairing or improving any facility, provided that all contractors, subcontractors, laborers, materialmen and their employees, when using, handling, storing, or producing regulated substances, use the applicable best management practices.~~

(ec) An affected person may request a special exemption from this section ~~article~~. In order to obtain such an exemption, such person must demonstrate by a preponderance of competent, substantial evidence to the ~~aquifer~~ Aquifer protection Protection coordinator Coordinator that special or unusual circumstances and adequate technology exists to isolate the facility or activity from soils, groundwater, or surface water. In granting the special exemption, the ~~aquifer~~ Aquifer protection Protection coordinator Coordinator may prescribe any additional appropriate conditions that are necessary to protect soils, groundwater, or surface water.

Sec. 10-1908. Discharge causing contaminated groundwater protection prohibited.

1
2 It shall be unlawful to discharge any substance in a manner that ~~will~~ may cause contaminated
3 groundwater contamination.

4
5 **Sec. 10-1909. Stormwater.**

6
7 Stormwater quality treatment shall be regulated through the applicable provisions of article
8 VH the Environmental Management Act of Leon County or the City of Tallahassee Environmental
9 Management Act Ordinance, as amended, whichever is appropriate.

10
11 ~~Sec. 10-1910. Regulated business review for comprehensive plan and aquifer protection~~
12 ~~consistency.~~

13
14 ~~No review and approval shall be required for existing operations provided that no occupancy~~
15 ~~change occurs, the site is registered with the aquifer protection program, and all requirements of this~~
16 ~~article are being met.~~

17
18 ~~Sec. 10-1911~~ **1910. Program funding.**

19
20 (a) Fees may be established by resolution in accordance with the comprehensive plan
21 settlement agreement requirement that user fees be collected to contribute to the cost of the
22 inspection program.

23
24 (b) Fees may be established by resolution to provide a funding mechanism for the
25 operation and implementation of future aquifer protection activities and remediation.

26
27 ~~Sec. 10-1912. Remediation activities.~~

28
29 ~~Remediation by the responsible party for discharges of regulated substances shall begin~~
30 ~~within seven days. The following cleanup criteria shall apply:~~

31
32 ~~(1) Any affected groundwater or surface water must be remediated to drinking water~~
33 ~~standards or background water quality.~~

34
35 ~~(2) Affected soils shall be remediated using best available technologies for the particular~~
36 ~~contaminant that has been released.~~

37
38 ~~(3) If any soil work is to be performed, all stormwater sedimentation erosion controls must be~~
39 ~~in place in accordance with all environmental management ordinances.~~

40
41 **Section 2.** Chapter 10, Article XIV, Division 2, of the Code of Laws of Leon County,
42 Florida, is hereby amended to read as follows:

DIVISION 2. VIOLATIONS AND ENFORCEMENT

Sec. 10-19261911. Generally; Delegation of Authority; Interlocal Agreement.

(a) This article shall be strictly enforced in accordance with the enforcement procedures established by the county in addition to any established federal or state enforcement procedures.

(b) ~~Enforcement procedures pursuant to this article shall commence only after the data evidencing the unpermitted discharge of a regulated substance has been forwarded to the appropriate federal and or state enforcement program. Enforcement procedures under this article for unpermitted discharges shall begin after enforcement activities of federal and state regulations have been exhausted.~~ Delegation of Authority. Pursuant to an Interlocal Agreement between Leon County, Florida and the City of Tallahassee, the Aquifer Protection Coordinator (APC) who is a City of Tallahassee employee, or his or her designee, is hereby delegated authority to enforce the provisions of this Article. Such authority shall include but is not limited to the following job duties as set forth in the Interlocal Agreement:

- (1) Supervise city environmental inspectors who conduct on-site inspections at Regulated Entities for compliance with this Article.
- (2) Oversee the scheduling of on-site inspections of Regulated Entities, and the maintenance of the current aquifer protection program database.
- (3) Provide an annual report to the Board of County Commissioners and the City of Tallahassee Commissioners describing, in detail, the status of activities, including enforcement mechanisms of the aquifer protection program.
- (4) Coordinate with other city and/or county departments, programs and employees, as needed, to implement the aquifer protection program.

Sec. 10-19271912. Persons held liable for violations.

For the purpose of this article it shall be the policy that ~~both~~ the property owner and/or responsible party the violator shall be held jointly liable for all activities that may contribute to groundwater contamination that occur on their ~~the~~ subject property.

Sec. 10-19281913. Notification pProcedures for Notification of Violation; procedures for remedial action.

(a) When a violation of this article has occurred the Aquifer Protection Coordinator or his/her designee shall issue a written notice to the person in violation, identifying the nature and location of the violation and specifying that remedial action is necessary to bring the violation into compliance. The person in violation shall commence remedial action within two (2) weeks of the

1 notice of violation, and shall have such time as may be specified in the notice to complete the
2 remedial actions required to achieve compliance with this article. If a completion deadline is not
3 specified in the notice, a timeframe shall be agreed upon by the responsible party and the Aquifer
4 Protection Coordinator. The following cleanup criteria shall apply to remedial action:

5
6 (1) Generally. If a facility is found to have visible signs of contamination or if a
7 reportable discharge has occurred that may affect soil, surface water, or
8 groundwater, the facility owner may be required to conduct an investigation
9 which may include, but not be limited to, soil borings, soil or groundwater
10 sampling and analysis, or monitoring well installation pursuant to the
11 provisions of this section.

12
13 (2) Any affected groundwater or surface water must be remediated to drinking
14 water standards, if possible, or to standards provided for in Rule 62-520,
15 F.A.C.

16
17 (3) Affected soils shall be remediated using best available technologies for the
18 particular contaminant that has been released.

19
20 (4) If any soil work is to be performed, all stormwater sedimentation erosion
21 controls must be in place in accordance with all environmental management
22 ordinances.

23
24 (5) Applicable rules and guidance include but are not limited to:

25
26 a. Ch. 62-770, F.A.C., which establishes the procedures that shall be
27 followed for petroleum and petroleum product contamination.

28
29 b. Chs. 62-761 and 62-762, F.A.C., which establish the procedures that shall
30 be followed for closure of storage tanks.

31
32 c. Established FDEP enforcement cases shall follow FDEP's Model Orders
33 for Corrective Action or the procedures established by consent order.

34
35 d. Sampling procedures and laboratory analysis shall meet the requirements
36 of Sec. 403.0625, F.S.

37
38 (a)(b) A copy of the notice of violation issued pursuant to this article shall be served upon
39 the affected persons by either hand delivery or certified mail and shall be posted on the site. Upon
40 receipt of such notice, the property owner shall post the notice on the site. A notice of violation may
41 be directed to the person owning the land upon which the violation has occurred or to any person
42 who has committed the violation or both. When immediate corrective actions are warranted under
43 the provisions of section 10-19291914, reasonable effort shall be made to provide notice as specified

above, but when such notice cannot be immediately accomplished, sufficient notice may be given by physically leaving a copy of the notice or order at the address of the owner or the property.

(b)(c) Upon satisfactory completion of corrective action and remedial steps required by a notice of violation, the Aquifer Protection Coordinator ~~or the state department of environmental protection~~ shall forthwith issue a notice of compliance, ~~or a site rehabilitation completion order if the site was governed by F.A.C. ch. 17-770. The notice of compliance shall cancel the notice violation.~~

~~(c) Any lien issued pursuant to this article and determined under the authority of this article shall be imposed only after notice has been given to the owner of the property upon which the lien is sought to be imposed, has been given a reasonable opportunity to be heard. Such lien shall be recorded with the clerk of the circuit court and may be enforced under the provisions of F.S. ch. 125.~~

(d) In the event a violation involves a scenario in which the Aquifer Protection Coordinator does not have adequate resources to enforce the violation, such violation shall be referred by the Aquifer Protection Coordinator to the Department of Environmental Protection for enforcement.

(e) Minimization of potential groundwater contamination. All facilities with discharges of regulated substances shall take action to eliminate the discharge and minimize the possibility of groundwater contamination, and pursue remedial action.

Sec. 10-19291914. Immediate Emergency corrective actions; imminent threat of danger; remediation activities; investigation, monitoring and cleanup of suspected or known discharges.

(a) ~~Whenever it is determined by the Aquifer Protection Coordinator, or his/her designee, may require emergency corrective action as described in Sec. 10-1913 if the that a discharge of regulated substances is resulting in imminent threat of contamination of surface water or groundwater, or danger to life or property, from the contamination of groundwater, the Aquifer Protection Coordinator may require immediate corrective action.~~ Initiation of any required clean-up activities shall commence within 24 hours of discovery of the violation by the Aquifer Protection Coordinator or his/her designee, and shall be completed within a time specified by the Aquifer Protection Coordinator. Failure to take such immediate corrective action when notified of the need for such action shall constitute a violation of this article. If immediate corrective measures are not taken and there is an imminent danger to the health, safety and welfare to of the public, the ~~aAquifer pProtection eCoordinator~~ or his/her designee may enter upon lands, take corrective actions, and, if necessary, refer the matter to the Leon County Code Enforcement Board in order to place a lien on the real property of such person or persons to recover the costs of the corrective measures or refer the matter to the state Department of Environmental Protection for enforcement.

(b) Any lien issued pursuant to this article and determined under the authority of this article shall be imposed only after notice has been given to the owner of the property upon which the

1 lien is sought to be imposed, has been given a reasonable opportunity to be heard. Such lien shall be
2 recorded with the clerk of the circuit court and may be enforced under the provisions of Chap. 125,
3 Florida Statutes.

4
5 **Sec. 10-1930. Notice of Violation.**

6
7 ~~(a) When a violation of this article has occurred the aquifer protection coordinator or his/her~~
8 ~~designee shall issue a written notice to the person in violation, identifying the nature and location of~~
9 ~~the violation and specify that remedial action is necessary to bring the violation into compliance.~~
10 ~~The person in violation shall immediately, conditions permitting, commence remedial action and~~
11 ~~shall have such time as may be specified in the notice, to complete the remedial actions required to~~
12 ~~bring the activity into compliance with this article.~~

13
14 ~~(b) If the person in violation fails to complete remedial action within the time allowed, the~~
15 ~~Aquifer Protection Coordinator may levy a fine as established by resolution or may initiate other~~
16 ~~enforcement actions as authorized by law.~~

17
18 **Sec. 10-19311915. Penalty.**

19
20 (a) Any person violating any provision of this article shall be punished according to law
21 or in accordance with Leon County enforcement procedures. Each day any violation continues
22 without corrective activities shall be considered as a separate offense.

23
24 (b) If the person in violation fails to complete remedial action within the time allowed,
25 the Aquifer Protection Coordinator may refer the matter to the Leon County Code Enforcement
26 Board who may initiate other enforcement actions as authorized by law.

27
28 **Sec. 10-19321916. Environmental and Building permits/ occupational licenses.**

29
30 No environmental or building permit or new business/occupational license shall be issued for
31 a site on which a violation of this article exists. The Aquifer Protection Coordinator shall coordinate
32 with the Leon County and City of Tallahassee Growth Management Departments in order to prevent
33 the issuance of environmental or building permits for a site on which a violation of this Article has
34 occurred.

35
36 **Sec. 10-19331917. Injunctions.**

37
38 Affected persons may seek an injunction against any violation of the provisions of this article
39 and recover from the violator such damages as he or she may suffer, including but not limited to, the
40 damage to property as a result of a release of regulated substances.

41
42 **Section 3.** Chapter 10, Article XIV, Division 3, of the Code of Laws of Leon County,
43 Florida, is hereby amended to read as follows:

DIVISION 3. PREVENTATIVE MEASURES

Sec. 10-19511918. Facility inspections of Regulated Entities.

(a) The ~~aquifer~~ Aquifer protection ~~Protection~~ coordinator ~~Coordinator~~ and designated inspectors are hereby authorized to make inspections at normal operational hours of all entities ~~facilities~~ or activities regulated by this article ~~including nonresidential buildings, structures and land~~ in the county in order to determine if a proper compliance with the provisions of this Article ~~discharge has occurred~~.

(b) ~~Inspection shall be conducted upon 24-hour notification except that inspections may be conducted without notice provided there is sufficient evidence that a discharge has occurred or is occurring.~~

(~~e~~)(b) If a person who has common authority over a building, structure, or land does not permit an inspection, the inspection may be rescheduled and shall be noticed by certified mail. Failure of such person to thereafter permit an inspection will be sufficient grounds and probable cause for a court of competent jurisdiction to issue an administrative warrant for the purpose of inspecting, surveying, or examining the premises.

(~~d~~)(c) If a building, structure or land appears to be vacant or abandoned, and the property owner cannot be readily contacted in order to obtain consent for an inspection, the ~~aquifer~~ Aquifer protection ~~Protection~~ coordinator ~~Coordinator~~ or inspector may enter into or upon any open or unsecured portion of the premises in order to conduct an inspection.

(~~e~~)(d) The ~~aquifer~~ Aquifer protection ~~Protection~~ coordinator ~~Coordinator~~ and inspectors shall have available and upon request present official identification when making inspections.

(~~f~~)(e) It shall be the duty of all city or county law enforcement officers to assist in making inspections when such assistance is requested by the ~~aquifer~~ Aquifer protection ~~Protection~~ coordinator ~~Coordinator~~ or inspectors.

Sec. 10-19521919. Reporting of discharges.

(a) Any discharge of a regulated substance at the reporting thresholds established in section (b) below this article ~~this article~~ in the county shall be reported immediately by the ~~facility~~ Regulated Entity owner, operator, or responsible party to the ~~aquifer protection coordinator~~ Aquifer Protection Coordinator or his/her designee. Such notification shall in no way alleviate the owner, operator, or responsible party from other local, state, and or federal reporting obligations as required by law. If necessary, The Aquifer Protection Coordinator ~~aquifer protection coordinator~~ or his/her designee shall inform the ~~fire department~~ appropriate emergency response agency of the substance discharged, the amount, location, duration of discharge and the potential hazard to groundwater if known.

(b) Threshold reporting quantities are as follows:

(1) The following substances and chemicals shall be reported if discharged in an amount equal to or greater than one gallon:

a. Chlorinated solvents including but not limited to:

1. Carbon tetrachloride.
2. Tetrachloroethylene.
3. Trichloroethylene.
4. 1,1,1,-trichloroethane.
5. 1,2-dichloroethane.
6. Methylene chloride.

(2) The following substances and chemicals as referenced in 40 C.F.R. 180, as amended, shall be reported immediately if discharged in an amount equal to or greater than five gallons:

a. The following pesticides, include, but are not limited to (specifically generic names):

1. Fenuron.
2. Terbacil.
3. Bromacil.

b. Phenolic compounds.

(3) Petroleum or petroleum products including petroleum based solvents shall be reported if discharged in an amount equal to or greater than 25 gallons.

(4) All other regulated substances listed in section 10-1906, shall be reported immediately if discharged in quantities greater than or equal to 25 gallons of liquid or 50 pounds if solid.

Sec. 10-~~1953~~1920. Reporting of sinkholes.

The ~~aquifer~~ Aquifer protection ~~Protection~~ ~~coordinator~~ Coordinator shall establish a contact point for the reporting of newly formed sinkholes. Sinkholes shall be reported prior to backfilling. Backfill material shall be uncontaminated and of lower permeability than the surrounding soil.

Sec. 10-~~1954~~1921. Best management practices to prevent discharges of regulated substances.

(a) Best management practices (BMPs) to prevent discharges of regulated substances shall be developed and made available to potential dischargers owners and operators of Regulated Entities.

(b) *General business practices/containment.*

(1) Generally. All containers of regulated substances are subject to this section of this Article. All regulated Regulated Entities businesses shall inspect, on a weekly basis, containers holding regulated substances for leaks. Visual inspection is satisfactory provided that the location of the containers can be inspected to a degree which reasonably assures that breakage or leakage can be detected by such inspection.

(2) New construction containment of regulated substances. Leakproof trays, floor curbing or other secondary containment systems shall be installed under containers of any liquid regulated substance in liquid form. The secondary containment shall be of adequate capacity (at least 110% the volume of the stored containers) to handle all spills, leaks, and overflows, and precipitation until appropriate action can be taken. The specific design and selection of materials shall be appropriate to preclude any regulated substance loss to the environment. Containment systems shall be operated so that the intrusion of precipitation is effectively managed. These requirements shall apply to all production and handling areas, storage areas, loading and off-loading areas, and above ground and underground storage tank areas.

(3) Retrofitting or upgrading. All property owners who store, handle, use, or produce a regulated substance shall retrofit or (upgrade) to new construction containment standards whenever building improvements are planned or by January 1, 1998. Storage facilities regulated by F.A.C. chs. 1762-761 or 1762-762, F.A.C. must meet the required retrofitting schedule. All new retrofitting or upgrading construction provisions must be met and reviewed either during building plan review or during by the inspection as required by this article.

(4) Underground and Above-ground petroleum product storage tanks. All un-used residential and nonresidential underground and above-ground storage tanks must have all fuel removed by a registered petroleum or used oil transporter.

(5) Activities. Any activities involving regulated substances where spills and/or leaks are likely to occur must be conducted over an impervious surface or containment device. Any spills shall be promptly cleaned up.

(6) All regulated substances shall be properly disposed of or recycled prior to commencement of any construction activity.

(7) Containers. Containers of regulated substances shall be adequately protected from precipitation and water intrusion.

Sec. 10-1955. Investigation, monitoring and cleanup of suspected or known discharges.

Sec 10-1922. New wells prohibited within 400 ft. of available water system.

(a) General prohibition. No person shall drill or reinstall any well which is located or proposed to be located within a radius of 400 feet from (1) a potable water service line or (2) an existing or planned well that is, or is intended to be, used in providing water for a community water system (as defined in Sec. 62-550.200(12), F.S.).

(b) Such prohibition shall not apply to wells constructed for a community water system, or to monitoring wells required for the investigation, remediation, or continued monitoring of contamination.

(a) Generally. If a facility is found to have visible signs of contamination or if a reportable discharge has occurred that may affect soil, surface water, or groundwater, the facility owner may be required to conduct an investigation which may include, but not be limited to, soil borings, soil or groundwater sampling and analysis, or monitoring well installation pursuant to the provisions of this section.

(b) Applicable rules and guidance.

(1) F.A.C. ch. 1-770 establishes the procedures that shall be followed for petroleum and petroleum product contamination.

(2) F.A.C. chs. 17-761 and 17-762 establish the procedures that shall be followed for closure of storage tanks.

(3) Established DER enforcement cases shall follow DER's "Model Orders for Corrective Action" or the procedures established by consent order.

(4) Sampling procedures and laboratory analysis shall meet the requirements of F.S. § 403.0625.

(e) Minimization of groundwater contamination. All facilities with discharges of regulated substances shall undertake steps to minimize the possibility of groundwater contamination.

Sec. 10-19561923. Injection wells, heat exchange wells and drainage wells.

(a) Injection wells. Any well used for the purpose of injecting regulated substances or fluids that do not meet class G II water quality standards as defined in Chapter 62-520, F.A.C. to groundwater is hereby prohibited.

(b) *Heat exchange wells.*

- (1) Any well used for the purpose of withdrawal and subsequent reinjection to the Floridan Aquifer shall not alter existing chemical, radiological, or biological water quality.
- (2) All reinjected water from heat exchange wells shall meet all primary, secondary and F.A.C. ch. 62-3, F.A.C. 17-3, drinking water standards and FDEPR groundwater guidance standards.
- (3) The owner of any heat exchange well operated in the county shall not discharge refrigerants to groundwater.
- (4) All newly installed heat exchange wells shall be designed to prevent air entrainment in the reinjection process. All existing heat exchange wells existing as of February 7, 1992 must be retrofitted in order to prevent air entrainment by January 1, 1995 in accordance with a schedule as determined by the Aquifer Protection Coordinator.
- (5) All owners of nonresidential heat exchange wells shall install a sampling tap on the withdrawal and the reinjection well that will be suitable for sample collection for both wells within one year from February 7, 1992 in accordance with a schedule as determined by the Aquifer Protection Coordinator. The City of Tallahassee Aquifer Protection Coordinator is hereby delegated authority to conduct water quality testing pursuant to this Section.
- (6) ~~Within one year of February 7, 1992 the~~ Any owner or operator of a nonresidential heat exchange well system operator shall be required to have a flow measuring device and method for totaling annual flow and record the annual flow in the withdrawal and reinjection wells in accordance with a schedule determined by the Aquifer Protection Coordinator. The flow information must shall be provided to the aquifer protection coordinator in addition to the sampling results on an annual basis be kept on file by the owner for a period of five (5) years.
- (7) All owners or operators of wells used for withdrawal and subsequent reinjection for the heat exchange process that pump greater than 100,000 gallons per day shall be required to sample the withdrawal and reinjection water annually for water quality standards as of February 7, 1992 and annually thereafter. The results shall be kept on file by the owner for a period of five (5) years. provided annually to the aquifer coordinator.
- (8) The following governs corrective action:

- 1 a. In the event of a discharge to the reinjection system of any regulated
2 substance, or if the reinjection water does not meet all primary drinking water
3 quality standards, the well owner will be required to remediate the reinjection
4 water and the affected withdrawal water to all primary drinking water
5 standards at his own expense.
6
7 b. Remediation must be conducted using sound hydrogeologic and engineering
8 principles and must continue until the withdrawal and reinjection water meets
9 all primary drinking water quality standards.
10
11 c. The responsible party for all Remediation projects is required to keep the
12 ~~aquifer~~ Aquifer protection ~~Protection coordinator~~ Coordinator informed of his
13 progress, any problems or changes in status of the Remediation process. The
14 ~~aquifer~~ Aquifer protection ~~Protection coordinator~~ Coordinator reserves the
15 right to conduct split water sampling to verify any and all results.
16
17 (c) *Drainage wells.*
18
19 (1) As of February 7, 1992, the installation of any well for the purpose of surface
20 drainage is prohibited.
21
22 (2) All owners of property that contain drainage wells must properly abandon all such
23 wells one year from February 7, 1992 in accordance with a schedule determined by
24 the Aquifer Protection Coordinator. The appropriate abandonment permit must be
25 obtained from ~~FDER~~ and the Northwest Florida Water Management District.
26
27 (3) Any drainage well that is identified in a new development project study must be
28 properly abandoned prior to commencement of any construction.
29

30 **Sec. 10-~~1957~~1924. Well maintenance, well abandonment and geotechnical borings.**

31
32 (a) Well maintenance. Any owner of a well shall properly maintain the well in
33 accordance with the standards of the Northwest Florida Water Management District (NFWFMD).
34

35 (a) (b) Well abandonment.
36

- 37 (1) Any well, injection well, dry well or drainage well that is not being used for
38 removing groundwater from an aquifer; recharge; determining quantity, quality, level
39 or movement of groundwater; and removing or exchanging heat shall be properly
40 abandoned at the property owner's expense following the guidelines established by
41 the Northwest Florida wWater management dDistrict (NFWFMD) within one year
42 of February 7, 1992.
43

- (2) In instances that can be determined by the Aquifer Protection Coordinator, the well may not need to be abandoned but the evaluation and determination of the necessity of abandonment shall be coordinated through the NFWMD Northwest Florida water management district.

~~(b)~~(c) *Geotechnical borings.*

- (1) All borings greater than or equal to deeper than 25 feet in depth shall be neat cement properly grouted with neat cement following the rules of the NFWMD to the surface to prevent downward migration of surface and subsurface contaminants along the borehole to the Floridan Aquifer. All borings less than 25 feet in depth shall be backfilled with the original drilled soil or with grout to the surface.
- (2) ~~All borings less than 25 feet deep shall be backfilled with the original drilled soil to the surface to prevent the creation of a sump.~~ Where the boring is advanced through asphalt or concrete it shall be patched at the surface with a similar impervious material.
- (3) If contamination is detected in any geotechnical boring, the contaminated soil shall not be used as replacement material and the horizontal and vertical extent of the contamination must be assessed and reported following the applicable provisions of section 10-1913 10-1955.
- (4) Any boring less than five (5) feet in depth, under a proposed building footprint, or in an area where excavation depth will exceed the boring depth is not required to be backfilled.

Sec. 10-19581925. Septic tanks and drainfields.

(a) The discharge of a regulated substance to a septic system shall be considered a violation of this article.

(b) If upon testing, a regulated substance is identified in the septic tank or drainfield, and may cause violation of groundwater standards, the ~~Regulated business Entity~~ will be required to conduct the investigation required by section 10-1913-10-1955.

(c) Any ~~Regulated business Entity~~ that is found to have discharged regulated substances to a septic system shall be required to connect to the a centralized sanitary sewer system if such system is available and within 1,000 feet of the property within 120 days of notice of the violation or in accordance with a schedule approved by the ~~aquifer~~ Aquifer protection ~~Protection coordinator~~ Coordinator.

(d) Floor drains, grease traps, grease interceptors and oil/water separators shall be constructed to prevent infiltration of regulated substances to soil, groundwater, or surface water.

Sec. 10-19591926. Inventory or proof of proper disposal; recycling of regulated substances.

(a) Proof of proper disposal. It shall be considered a violation of this article if proof of proper disposal is not properly documented per this section.

(1) Inventory or manifest documentation required by the Resource Conservation and Recovery Act (RCRA)-40 CFR 262 subpart B, shall be required to be kept by each facility that is regulated by RCRA for all substances that are used or considered waste products, to ensure that all substances are handled in an environmentally acceptable manner ~~for each regulated substance.~~

(2) ~~All regulated businesses~~ Regulated Entities that are not regulated by RCRA shall be required to keep an inventory of the types of regulated substances that are used or considered waste products, to ensure that all substances are handled in an environmentally acceptable manner. The method of record keeping may be of their own choosing, however, such records shall allow inspectors to determine if used or waste products are being disposed of in compliance with federal, state, and local laws.

(3) Each ~~regulated business~~ Regulated Entity shall provide documentation such as a contract or agreement with a certified waste hauler, or other documentation that shows that ~~used regulated substances or wastes by products~~ are being disposed of using environmentally acceptable methods or are being recycled. Such documentation shall be maintained for a minimum of five (5) years.

(4) Disposal records shall be made available ~~at~~ during normal operational hours for the purpose of inspection.

~~(5) Disposal of any regulated substance to the sanitary sewer in the city sewer service area above the levels established in the city's industrial pretreatment ordinance shall be considered a violation of this article.~~

(b) Recycling regulated substances. It shall be required that regulated substances should be recycled or reused if economically and technically feasible.

Section 4. Conflicts. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict, except to the extent of any conflicts with the Tallahassee-Leon County 2010 Comprehensive Plan as amended, which provisions shall prevail over any parts of this ordinance which are inconsistent, either in whole or in part, with the said Comprehensive Plan.

Section 5. Severability. If any word, phrase, clause, section or portion of this Ordinance shall be held invalid or unconstitutional by a court of competent jurisdiction, such portion or words shall be deemed a separate and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Section 6. Effective Date. This Ordinance shall have effect upon becoming law.

DULY PASSED AND ADOPTED by the Board of County Commissioners of Leon County, Florida, this _____ day of _____, 2005.

LEON COUNTY, FLORIDA

BY: _____
CLIFF THAELL, CHAIRMAN
BOARD OF COUNTY COMMISSIONERS

ATTESTED BY:
BOB INZER, CLERK OF THE COURT

BY: _____
CLERK

APPROVED AS TO FORM:
COUNTY ATTORNEY'S OFFICE
LEON COUNTY, FLORIDA

BY: _____
HERBERT W.A. THIELE, ESQ.
COUNTY ATTORNEY